

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-326-C

IN RE:)
Analysis of Continued Availability of)
Unbundled Local Switching for Mass Market)
Customers Pursuant to the Federal Communication)
Commission's Triennial Review Order)
)

REBUTTAL TESTIMONY OF

James Webber

On behalf of

**MCIMetro Access Transmission Services, LLC
MCI WORDLCOM Communications, Inc.**

March 12, 2004

CONFIDENTIAL DATA IDENTIFIED AS **__**

I. INTRODUCTION

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS FOR THE RECORD.

A. My name is James D. Webber and my business address is: QSI Consulting, 4515 Barr Creek Lane, Naperville, Illinois 60564.

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

A. I am employed by QSI Consulting, Inc. as a senior consultant within the firm's Telecommunication Division.

Q. ARE YOU THE SAME JAMES D. WEBBER WHO FILED DIRECT TESTIMONY IN THESE PROCEEDINGS?

A. Yes, I am.

Q. ON WHOSE BEHALF WAS THIS TESTIMONY PREPARED?

A. This testimony was prepared on behalf of MCImetro Access Transmission Services, LLC and MCI WORLDCOM Communications, Inc. (collectively "MCI").

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. My testimony responds to various BellSouth witnesses who discuss: (1) the geographic areas that would be affected by accepting BellSouth's proposal that

the Commission enter a finding of no impairment; (2) EELs; and, (3) unbundling of IDLC based loops.

II. SUMMARY OF CONCLUSIONS

Q. PLEASE SUMMARIZE YOUR CONCLUSIONS.

A. A brief summary of the issues addressed in my rebuttal is as follows:

? BellSouth's proposal to eliminate unbundled local switching ("ULS") from certain wire centers throughout the state would affect most of the UNE-P lines in its serving territory. Approximately **__** percent of MCI's UNE-P based end user lines are provisioned within the wire centers where BellSouth claims CLECs are not impaired without access to ULS. Approximately 96,442, or 89 percent, of all CLEC UNE-P lines are in these areas. A finding of "no impairment" would require these lines to be migrated from UNE-P to UNE-L, and, given the operational impairment that in fact exists, would destroy CLEC UNE-P based mass market local competition in this state.

? Neither BellSouth's individual hot cut process nor its batch ordering process permit CLECs to transfer retail or UNE-P lines to EELs. The Commission should require BellSouth to accommodate EELs in its individual hot cut process and its batch process.

? BellSouth's network contains a significant percentage of IDLC based loops, and compatible "spare" facilities are not typically available. Therefore, it is critical that procedures are implemented in order to guarantee that customers are able to seamlessly migrate from BellSouth's IDLC fed loops (whether retail or UNE-P) to UNE-L loops. BellSouth has failed to demonstrate its procedures are sufficient in this regard.

III. BELLSOUTH'S PROPOSAL TO REMOVE ULS FROM NUMEROUS WIRE CENTERS WILL AFFECT APPROXIMATELY 89% OF ALL UNE-P BASED END USER LINES THROUGHOUT THE STATE

Q. HAVE YOU ANALYZED THE IMPACT OF REMOVING ULS IN THE GEOGRAPHIC AREAS BELLSOUTH PROPOSES?

A. Yes. BellSouth alleges that requesting carriers are not impaired without access to ULS when attempting to serve mass market customers in 6 of the 16 "markets" it has proposed this Commission define within the context of these proceedings. Ms. Tipton claims that ULS should be removed from 3 of these areas based upon the alleged presence of "triggering" carriers, while Dr. Aron and other BellSouth witnesses claim ULS should be removed in 3 additional areas based upon the "potential" that carriers could deploy facilities to serve the mass market in those areas.¹ Denying CLECs access to ULS in these areas would affect most of the UNE-P lines in BellSouth's service territory. For example, more than ** __ **, or approximately ** __ ** percent, of MCI's UNE-P lines are in wire centers within

¹ See Dr. Aron's Direct Testimony at page 6.

the 6 areas where BellSouth claims there is no impairment. And approximately 96,442, or 89 percent, of all CLEC UNE-P lines are served from within these areas.²

Q. ARE CLECS CURRENTLY ABLE TO ACCESS CUSTOMERS WITHOUT ULS?

A. No. Setting aside questions regarding operational issues and the economic practicability of serving residential and smaller business customers via UNE loops, CLECs cannot currently reach their current customer base throughout most of the state without access to ULS. MCI's local customers, for example, are spread throughout wire centers across the state, but MCI has no collocations in South Carolina. Without collocation or some other method of physically accessing customer loops, such as EELs (with concentration, if requested) coupled with a seamless hot cut process capable of handling large volumes of both inbound and outbound customer movement, MCI cannot offer services to most of its embedded base of customers without access to ULS. CLECs, including MCI, thus are currently dependent on ULS to serve the mass market.

Q. IN HOW MANY OF THE WIRE CENTERS FOR WHICH BELL SOUTH CLAIMS "NO IMPAIRMENT" IS MCI CURRENTLY COLLOCATED?

A. Exhibit JDW 4 identifies the wire centers where MCI currently provides UNE-P based services and where BellSouth claims CLECs are not impaired without ULS.

² Total UNE-P based line counts are taken from BellSouth's response to AT&T Interrogatory No. 55 in Georgia PSC Docket No. 17749-U

There are approximately **__** such wire centers. The map also underscores the fact that MCI is not presently collocated in any of BellSouth's South Carolina wire centers. Hence, there are currently **__** wire centers from which MCI could not access its customers unless it were able to build out collocation and transport facilities or gain access to EELs (with concentration, if requested) coupled with an efficient batch hot cut process.

Q. HAS BELLSOUTH CLAIMED THAT TRANSPORT TO AND FROM ANY OF THOSE **__ WIRE CENTERS SHOULD BE UNAVAILABLE TO REQUESTING CARRIERS?**

A. In all likelihood, yes. BellSouth is expected to identify a number of transport routes throughout the state where it will seek to no longer be required to provide access to its network. BellSouth probably will claim that it should not have to provide transport from some of those **__** wire centers. If BellSouth were to prevail with respect to any of these routes, it would no longer be possible for CLECs to use EELs or BellSouth unbundled transport to support mass market customers from those wire centers.

IV. BELLSOUTH FAILS TO DEMONSTRATE THAT CLECS CAN USE EELS TO SUPPORT MASS MARKET UNE-L

Q. DOES THE BACE MODEL RELY UPON THE AVAILABILITY OF EELS?

- A. Yes. In fact, according to BellSouth witness Milner, two of the three architectures BellSouth's BACE model assumes CLECs will rely on to access customers assume they are able to use EEL connectivity either in lieu of collocation and transport facilities or in coordination with such facilities.

Q. ARE EELS WIDELY USED TODAY IN BELL SOUTH'S SERVICE TERRITORY?

- A. No. By BellSouth's own admission there are only seven EELs comprised of DS0 loops throughout its service territory in this state. (See BellSouth's response to MCI Interrogatory 109). Thus, the BACE model relies upon processes that are completely unproven in the market.

Q. DOES BELL SOUTH'S INDIVIDUAL OR BATCH HOT CUT PROCESS ALLOW CLECS TO TRANSFER CLEC UNE-P LINES OR BELL SOUTH RETAIL LINES TO EELS?

- A. No. BellSouth has acknowledged that it does not currently provide individual or batch migrations of existing UNE-P or DS0 loops to EELs. Although BellSouth has stated that it plans to implement processes that would support such migrations, the target implementation date is July 2004 and BellSouth has not provided details on what the processes will be. Hence, any determination at this point as to whether such processes will allow for seamless customer connectivity on a timely and economical basis would be premature if not reckless.

Q. DOES THE FCC'S *TRO* PROVIDE ANY GUIDANCE REGARDING CLECS' USE OF EELS TO SERVE MASS MARKET CUSTOMERS?

A. Yes. For example, at paragraph 492 of the *TRO*, the FCC states that EELs can minimize collocation costs and increase the geographic reach of competitive LECs, thereby facilitating the expansion of competition based on UNE-L strategies in some markets.

Q. HOW SHOULD BELL SOUTH'S PROCESSES AND REQUIREMENTS BE CHANGED TO MAKE EELS USEFUL TO CLECS?

A. As I discussed in my Direct Testimony, BellSouth should be required to provide EELs that would enable CLECs to lease only the transport they need to support their customers. Moreover, to make EELs useful, CLECs should be allowed to submit a single LSR that requests a loop housed in BellSouth Central Office A, for example, to be "hot cut" to a collocation facility (designated by a specific CFA) in Central Office B. When BellSouth receives such an order, it should provision on the CLEC's behalf, as part of its hot cut pre-wiring function, a DS0 EEL extending from Central Office A to the CLEC's CFA in Central Office B. All ANI testing should be completed via the DS0 EEL. On the day of the cut, BellSouth should cut the requested loop to the EEL so that CLEC dial tone from its collocation in Central Office B is provided to the customer's loop located in Central Office A. As with any hot cut, BellSouth should demonstrate that such

processes are seamless and timely prior to a determination by this Commission that the hot cut process does not give rise to impairment.

V. OBTAINING ACCESS TO IDLC BASED LOOPS INCREASES PROVISIONING INTERVALS AND COSTS AND DECREASES SERVICE QUALITY

Q. WHY IS ACCESS TO IDLC LOOPS SUCH A SIGNIFICANT ISSUE?

A. There are more than 600,000 IDLC-fed loops in BellSouth's South Carolina service territory. Exhibit AH-1 shows that IDLC lines comprise up to 67 percent of lines in the company's top 20 wire centers in the state. Clearly, therefore, a significant portion of the CLECs' customers are served via IDLC based loops. Moreover, BellSouth's data indicate that where IDLC facilities are deployed alternate "spare" facilities are often unavailable, casting doubt on whether BellSouth can realistically support CLECs' request to unbundled IDLC based loops on as large a scale as would be necessary to support the CLECs if they were to rely upon UNE-L instead of UNE-P.

Q. BELLSOUTH LISTS EIGHT "ALTERNATIVE" METHODS OF PROVIDING ACCESS TO IDLC BASED LOOPS. HAS BELLSOUTH PROVIDED SUFFICIENT INFORMATION IN ITS TESTIMONY FOR THE COMMISSION TO EVALUATE THESE ALTERNATIVES?

- A. No. BellSouth witness Ainsworth simply lists the options that BellSouth claims are available to CLECs without indicating the extent to which each of these alternatives has been previously deployed. Nor does he provide any operational statistics indicating, for example, whether, or to what extent, these alternatives require lengthened installation intervals, “designed” (or SL2) loop deployment, and added costs. Additionally, it is unclear whether any of the alternatives will necessitate CLEC dispatches.

Q. BASED ON WHAT YOU KNOW NOW, ARE THERE PROBLEMS WITH BELL SOUTH’S APPROACH TO HANDLING IDLC LOOPS?

- A. Yes. All of BellSouth’s methods, except where the company transfers IDLC based loops to alternative home run copper loops (Alternative 1 and, potentially, Alternative 3), involve an additional analog to digital signal conversion that would degrade modem performance when, for example, customers dial up to the internet. Moreover, as BellSouth witness Ainsworth admits, many of these alternatives involve significant time and costs to implement, which ultimately impacts CLECs and their customers.

Q. DO SOME OF BELL SOUTH’S ALTERNATIVES APPEAR TO BE SIMILAR TO METHODS MCI ADVOCATES?

- A. Yes. Alternatives 5 and 6 appear to be at least superficially similar to an IDLC access method MCI has proposed. It is apparent, however, that BellSouth’s methods are not the same as what MCI has proposed, because BellSouth’s

methods involve an additional analog to digital signal conversion, while MCI's do not require such a conversion.

Q. THE FIRST ALTERNATIVE BELL SOUTH PROPOSES IS TO PROVIDE AN UNBUNDLED LOOP OVER COPPER FACILITIES TO THE EXTENT SUCH FACILITIES ARE AVAILABLE. WHAT CONCERNS DO YOU HAVE WITH THIS ACCESS METHOD?

A. BellSouth's *Loop Technology Deployment Directives* call for increased use of fiber-fed IDLC systems throughout the company's operating territories, decreased reliance on copper facilities and to some extent the retirement of such facilities. Increasingly, copper will become scarce and the availability of Alternative 1 -- which BellSouth asserts is the quickest and least expensive to implement -- will decrease, thus increasing the probability for delayed provisioning and increased costs. In BellSouth's Summerville-Charleston wire center, for example, where BellSouth projects it could be providing UNE-P services on 6,424 lines by December 2004 and where it is currently providing 61% of such services over IDLC loops, it potentially could be requested to unbundle as many as 3,919 IDLC based loops (i.e., $6,424 \times 61\% = 3,919$). Given that the Company has indicated it currently has 717 spare facilities (including both home run copper and UDLC based loops) in that wire center, it is highly unlikely that BellSouth would be capable of providing unbundled loops on the remaining 3,202 lines if requested to do so.

Q. IS THE SUMMERVILLE-CHARLESTON WIRE CENTER AN ANOMALY IN THAT FEW COPPER AND/OR UDLC FACILITIES ARE AVAILABLE FOR UNBUNDLING PURPOSES?

A. No. BellSouth's own data demonstrate that of all the wire centers in which IDLC facilities are deployed only four have sufficient spare loop facilities to allow for all IDLC based loops to be transferred to alternate loop facilities, leaving the vast majority unaddressable by spare facilities.

Q. DOES MR. AINSWORTH ADDRESS YOUR PREVIOUS CONCERN THAT PROVIDING UNBUNDLED LOOPS VIA UDLC FACILITIES WILL HARM SERVICE QUALITY AND PRECLUDE V.90, OR K56, MODEM CONNECTIVITY?

A. Yes. Unfortunately, however, he states that the UDLC option as well as all other options offered by BellSouth – excluding those that involve re-assignment to copper facilities – will involve additional analog to digital (“A/D”) conversions and thereby negatively impact modem performance. BellSouth's *Loop Technology Deployment Directives* corroborates this conclusion, stating at Section 9.2.5, for example, that “it must be noted that modem speeds for circuits on universal COT terminations will be lower than those on integrated DLC.”

Q. YOU STATED THAT ALL OF BELL SOUTH'S PROPOSED ALTERNATIVE METHODS, EXCEPT THOSE THAT EMPLOY HOME RUN COPPER LOOPS, WILL RESULT IN DEGRADED MODEM

**PERFORMANCE SERVICE. CAN DEGRADED SERVICE BE AVOIDED
IN SOME CASES?**

- A. Yes. It is likely that at least a few of the alternative options could be deployed in such a way to avoid multiple A/D conversions, thereby resolving the issue pertaining to degraded modem performance. Moreover, I have offered at least one additional option in my Direct Testimony that, if cooperatively deployed, could provide resolution of this issue. The Commission should require that BellSouth work with CLECs to resolve this issue and to provide for effective processes and procedures whereby IDLC based loops can be unbundled in a timely and efficient manner without service degrading results.

**Q. PLEASE SUMMARIZE YOUR RECOMMENDATIONS WITH RESPECT
TO UNBUNDLED LOOPS.**

- A. The Commission should require that unbundled loops be provided on a timely basis, regardless of whether they are provided via copper or IDLC based facilities, without “changing” the facilities over which connectivity is currently provided unless spare copper facilities are readily and economically available such that end user service quality will not be diminished after having received services via an unbundled loop. To the extent that BellSouth’s proposed methods of unbundling IDLC loops would have the practical effect of providing CLEC end users with lesser capable loops, the Commission should maintain a finding of impairment while investigating more fully all unbundling options offered in these

proceedings. Additional recommendations regarding the availability of copper facilities are identified in my Direct Testimony.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes, it does.

CERTIFICATE OF SERVICE

PERSONALLY APPEARED before me, Betty J. DeHart, who, being duly sworn, deposes and says that she is not a party to these proceedings and has no interest therein; that on the 12th day of March, 2004, she served by mail the Rebuttal Testimony of James Webber in the above entitled case upon all counsel of record by causing same to be deposited in an authorized United States Mail Box; that the envelopes containing said document were properly addressed, securely wrapped and sealed and bore the proper postage; and that said envelopes were addressed to the persons indicated below, and via electronic mail by sending copies of same via electronic mail to the email addresses indicated below.

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SWORN to before me this

_____ day of March, 2004.

_____(L.S.)

Notary Public for South Carolina

My Commission Expires: _____